

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSHUA D. ROYBAL,

Plaintiff,

vs.

No. 1:14-CV-00267 LH-SMV

METROPOLITAN PROPERTY
& CASUALTY INSURANCE COMPANY,

Defendant.

STIPULATED AMENDED SCHEDULING ORDER

THIS MATTER having come before the Court on the Stipulated Motion of the parties to amend the Scheduling Order, and the Court having reviewed the Motion and being otherwise fully advised in the premises, FINDS that the Motion is well taken.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that certain deadlines in the initial Scheduling Order are amended as follows:

1. The parties must disclose every expert witness expected to testify, even if the expert is not required to submit an expert report. See, Fed. R. Civ. P. 26 (a) (2) (B) – (C); D. N.M.L.R.- Civ. 26.3 (b). Plaintiffs shall identify to all parties in writing any expert witnesses to be used by Plaintiff at trial and provide expert reports pursuant to Fed. R. Civ. P. 26 (a) (2) (B) or summary disclosures under Rule 26 (a) (2) (c) no later than November 9, 2014. All other parties shall identify in writing any expert witnesses to be used by such parties at trial and provide expert reports pursuant to Fed. R. Civ. P. 26 (a) (2) (B) or summary disclosures under

Rule 26 (a) (2) (C) no later than December 9, 2014. Rebuttal experts disclosed pursuant to Fed. R. Civ. P. 26 (a) (2) (D) (ii) shall be disclosed within thirty (30) days after the other parties' disclosure.

2. The termination date for discovery is January 10, 2015, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an Order of the Court upon showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of Interrogatories or Request for Production shall be considered timely only if the Responses are due prior to the deadline. A Notice to take Deposition shall be considered timely only if the deposition takes place prior to the deadline. Depositions shall be limited to three hours, except those of Plaintiff and Defendant's representative regarding insurance bad faith. Dependency of dispositive motions shall not stay discovery.

3. Motions related to discovery (including, but not limited to Motions to Compel and Motions for Protective Order) shall be filed with the Court and served on opposing parties by February 1, 2015. See, D.N.M.L.R-Civ.7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-one day time limit in D.N.M.L.R-Civ. 26.6 (party served with Objection to discovery requests must file Motion to Compel within twenty-one days of service of Objection. Failure to file Motion within twenty-one days constitutes acceptance of the Motion).

4. Pre-trial Motions, other than Discovery Motions, shall be filed with the Court and served on opposing party by February 11, 2015. See, D.N.M.L.R.- Civ.7 for motion practice requirements and timing of responses and replies. Any Pre-Trial Motions, other than

Discovery Motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.L.R – Civ. 10.6.

5. Counsel are directed to file a Consolidated Final Pre-Trial Order as follows. Plaintiffs to Defendants on or before March 26, 2015; Defendants to Court on or before April 9, 2015.

Counsel are directed that the Pre-Trial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.



THE HONORABLE STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

APPROVED:

/s/ James H. Johansen

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